

ties, Cities and Towns, to whom was referred S. B. No. 96, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

AIKIN, Chairman.

Memorial Resolution

S. R. No. 45—By Senator Willis: Memorial resolution for Paul Davenport.

Recess

Senator Schwartz moved that the Senate stand recessed until 10:30 o'clock a.m. tomorrow.

Question on the motion to recess, Yeas and Nays were demanded.

The motion to recess prevailed by the following vote:

Yeas—15

Calhoun	Krueger
Colson	Martin
Creighton	Moore
Dies	Patman
Fuller	Rogers
Herring	Schwartz
Hudson	Spears
Kazen	

Nays—13

Aikin	Parkhouse
Baker	Ratliff
Crump	Reagan
Hardeman	Secrest
Hazlewood	Smith
Lane	Willis
Owen	

Absent—Excused

Moffett	Weinert
Roberts	

Accordingly the Senate at 4:25 o'clock p.m. took recess until 10:30 o'clock p.m. tomorrow.

TWELFTH DAY

(Continued)

(Thursday, January 25, 1962)

After Recess

The Senate met at 10:30 o'clock a.m. and was called to order by the President Pro Tempore.

House Bill 3 as Special Order

The President Pro Tempore announced that House Bill 3 set as

Special Order for 10:00 o'clock on today, would be the first business of the day.

Committee Substitute

House Bill 3 on Second Reading

The President Pro Tempore laid before the Senate on its second reading and passage to third reading.

C. S. H. B. No. 3,

A BILL

To Be Entitled

An Act to define and regulate the business of lending money at rates of interest exceeding ten per cent (10%) per annum; to prohibit any person engaged in the business of making loans with cash advances of Five Hundred Dollars (\$500) or less from charging rates of interest exceeding ten per cent (10%) per annum unless such person is licensed; to authorize the licensing and regulation of persons engaged in such business; to permit licensees to charge a greater rate of interest than lenders not licensed hereunder; to prescribe maximum rates of interest that licensees are permitted to charge; to provide for administration and enforcement of this Act and the issuance of regulations and orders therefor; to authorize the making of examinations and investigations and the publication of reports thereof; to provide for the review of administrative acts hereunder; to provide penalties; to provide certain exemptions; to amend Chapter 144, Acts of the Forty-eighth Legislature, Regular Session, 1943, compiled as Article 4646b, Vernon's Annotated Civil Statutes, and Articles 5069, 5071 and 5073, Revised Civil Statutes of Texas, 1925; to repeal Chapter 472, Acts of the Fifty-second Legislature, Regular Session, 1951, compiled as Article 1524a-1, Vernon's Annotated Civil Statutes, and Chapter 17, Acts of the Fortieth Legislature, First Called Session, 1927, as last amended by Chapter 195, Acts of the Forty-ninth Legislature, Regular Session, 1945, compiled as Article 6165a, Vernon's Annotated Civil Statutes and Article 1129a, Vernon's Annotated Penal Code, and Subdivisions (5) and (6) of Article 19.01, Title 122A, Taxation-General, Revised Civil Statutes of 1925, and all other laws or parts of laws

in conflict; to provide for severability; and declaring an emergency.

The Committee Substitute for H. B. No. 3 was read second time.

Senator Krueger offered the following amendment to the bill:

Amend the Committee Substitute for House Bill No. 3 by striking out the words "Texas Consumer Finance Act" as they appear in the following places:

lines 35 and 36 of page 2
line 6 of page 18
line 45 of page 18
line 3 of page 19
line 19 of page 19

and substitute in lieu thereof the words "Texas Small Loan Act."

The amendment was read.

Question on adoption of the amendment, Yeas and Nays were demanded.

The amendment was adopted by the following vote:

Yeas—20

Aikin	Krueger
Calhoun	Lane
Colson	Martin
Creighton	Moffett
Crump	Owen
Dies	Patman
Fuller	Rogers
Herring	Schwartz
Hudson	Smith
Kazen	Willis

Nays—9

Baker	Ratliff
Hardeman	Reagan
Hazlewood	Secrest
Moore	Spears
Parkhouse	

Absent—Excused

Roberts	Weinert
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Senator Calhoun offered the following amendment to the bill:

Amend the Committee Substitute for H. B. 3 by deleting Sec. 17 and inserting in lieu thereof a new Sec. 17 as follows:

Sec. 17. Maximum Interest Rates.

a. Every licensee under this act may contract for and receive on any cash advances the following maximum authorized charges:

(1) Three per cent (3%) or One Dollar and fifty cents (\$1.50) per month, whichever is greater on the unpaid balance on loans up to, including, but not greater than Two Hundred Dollars (\$200).

(2) Any installment loan contract entered into under the provisions of this act may be paid off in full at any time by the borrower and no charges or penalties may be made against said borrower for any interest not yet accrued under the provisions of this act.

(3) No licensee shall induce or permit any person, or husband and wife, to be obligated, directly or indirectly, under more than one (1) loan contract under this Act at the same time for the purpose, or with the effect, of obtaining a higher authorized charge than would otherwise be permitted by this Act; but such limitation shall not apply to the acquisition by purchase of bona fide obligations of the borrower incurred for goods or services, and provided further, if a licensee purchases all or substantially all the loan contracts of another licensee hereunder and has at the time of purchase loan contracts with one (1) or more of the borrowers whose loans are purchased, the purchaser shall be entitled to collect principal and authorized charges thereon according to the terms of each loan contract.

(4) In addition to the authorized charges provided in this Act no further or other charge or amount whatsoever shall be directly, or indirectly, charged, contracted for, or received. This includes (but is not limited by) all charges such as fees, insurance premiums or charges, compensation, bonuses, commissions, brokerage, discounts, expenses and every other charge of any nature whatever, whether of the types listed herein or not. Without limitation of the foregoing, such charges may be any form of costs or compensation whether contracted for or not, received by the licensee, or any other person, in connection with (1) the investigating, arranging, negotiating, procuring, guaranteeing, making, servicing, collecting or enforcing of a loan; or (2) for the forbearance of money, credit, goods or things in action; or (3) for any other service or services performed or offered.

(5) If any amount in excess of the rate of interest permitted by this Act is charged, contracted for, or re-

ceived, except as the result of an accidental and bona fide error of computation, the contract of loan shall be void as against public policy and the licensee shall forfeit to the borrower an amount equivalent to twice the amount borrowed. In addition, the licensee and the several members, officers, directors, agents and employees thereof who shall have violated or participated in such violation shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than One Thousand Dollars (\$1,000) and not less than One Hundred Dollars (\$100) or by confinement in the county jail for not more than six (6) months, or by both such fine and confinement.

"In addition the borrower shall be entitled to recover reasonable attorney fees incurred by him in any legal action brought to enforce any rights or penalties provided in this Act, when he prevails in such suit.

The amendment was read.

Senator Spears offered the following substitute for the pending amendment:

1. Amend Committee Substitute for H. B. 3 by striking Section 22 on page 16 and substituting in lieu thereof the following:

"Sec. 22. A licensee may make loans having a cash advance in excess of One Thousand Dollars (\$1,000), but the maximum interest which such licensee may charge on any part of the unpaid principal balance of such loan shall not exceed ten percent (10%) per annum."

2. Amend the Committee Substitute for H. B. 3 by striking lines 54 through 55 on page 11 and substituting in lieu thereof the following:

"(a) Every licensee may contract for and receive on any cash advance not exceeding One Thousand Dollars (\$1,000) the following maximum authorized charges:"

(1) Three percent (3%) per month on any part of the unpaid principal balance up to, including, but not in excess of One Hundred Dollars (\$100).

(2) Two percent (2%) per month on any part of the unpaid principal balance in excess of One Hundred Dollars (\$100) up to, including, but not in excess of Three Hundred Dollars (\$300).

(3) One percent (1%) per month

on any part of the unpaid principal balance in excess of Three Hundred Dollars up to, including, but not in excess of Five Hundred Dollars (\$500).

(4) Five-sixths (5/6) of one percent (1%) per month on any part of the unpaid principal balance in excess of Five Hundred Dollars (\$500) up to, including, but not in excess of One Thousand Dollars (\$1,000).

3. Amend Committee Substitute to H. B. 3 by striking on page 4, line 21 the words "Five Hundred Dollars (\$500)" and substituting in lieu thereof the following: "One Thousand Dollars (\$1,000)."

The substitute for the pending amendment was read.

Senator Calhoun raised point of order that substitute amendment sent up by Senator Spears was not in order for the reason that the substitute amendment was not germane to the amendment under consideration.

The President Pro Tempore sustained the Point of Order.

Senator Calhoun moved adoption of the pending amendment.

Senator Reagan moved to table the amendment by Senator Calhoun and yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—13

Baker	Ratliff
Fuller	Reagan
Hardeman	Schwartz
Hazlewood	Secret
Lane	Smith
Moore	Spears
Parkhouse	

Nays—16

Aikin	Kazen
Calhoun	Krueger
Colson	Martin
Creighton	Moffett
Crump	Owen
Dies	Patman
Herring	Rogers
Hudson	Willis

Absent—Excused

Roberts	Weinert
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Question on adoption of the pending amendment, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—16

Aikin	Kazen
Calhoun	Krueger
Colson	Martin
Creighton	Moffett
Crump	Owen
Dies	Patman
Herring	Rogers
Hudson	Willis

Nays—13

Baker	Ratliff
Fuller	Reagan
Hardeman	Schwartz
Hazlewood	Secrest
Lane	Smith
Moore	Spears
Parkhouse	

Absent—Excused

Roberts	Weinert
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Motion to Recess

Senator Reagan moved that the Senate stand recessed until 2:00 o'clock p.m. today.

Yeas and Nays were demanded.

The motion was lost by the following vote:

Yeas—13

Baker	Parkhouse
Crump	Ratliff
Fuller	Reagan
Hardeman	Secrest
Hazlewood	Smith
Lane	Spears
Moore	

Nays—16

Aikin	Krueger
Calhoun	Martin
Colson	Moffett
Creighton	Owen
Dies	Patman
Herring	Rogers
Hudson	Schwartz
Kazen	Willis

Absent—Excused

Roberts	Weinert
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Committee Substitute House Bill 3 on Second Reading

The Senate resumed the consideration of the pending business (same being C. S. H. B. No. 3 on its second reading).

Senator Creighton offered the following amendment to the bill:

Amend the Committee Substitute for House Bill No. 3 by striking out Section 22 and renumbering the succeeding sections accordingly.

The amendment was read.

Senator Spears offered the following substitute to the pending amendment:

1. Amend Committee Substitute for H. B. 3 by striking Section 22 on page 16 and substituting in lieu thereof the following:

"Sec. 22. A licensee may make loans having a cash advance in excess of One Thousand Dollars (\$1,000) but the maximum interest which such licensee may charge on any part of the unpaid principal balance of such loan shall not exceed ten percent (10%) per annum."

The substitute for the pending amendment was read.

Senator Creighton raised the point of order that the substitute amendment offered by Senator Spears conflicted with the amendment of Senator Calhoun that has already been adopted.

The President Pro Tempore overruled the Point of Order.

Senator Spears moved adoption of the substitute amendment.

Yeas and Nays were demanded.

The motion to adopt the substitute by Senator Spears was lost by the following vote:

Yeas—13

Baker	Parkhouse
Crump	Ratliff
Fuller	Reagan
Hardeman	Secrest
Hazlewood	Smith
Lane	Spears
Moore	

Nays—16

Aikin	Krueger
Calhoun	Martin
Colson	Moffett
Creighton	Owen
Dies	Patman
Herring	Rogers
Hudson	Schwartz
Kazen	Willis

Absent—Excused

Roberts	Weinert
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Question recurring on the amendment by Senator Creighton the amendment was adopted.

Record of Vote

Senators Parkhouse, Schwartz, Reagan and Smith asked to be recorded as voting "Nay" on the adoption of the above amendment.

Senator Calhoun offered the following amendment to the bill:

Amend the committee substitute for House Bill No. 3 as follows:

(1) Strike out the words and figures "Five Hundred Dollars (\$500)" as they appear in the following places:

Line 21 of page 4

Lines 16 and 17 of page 9

and substitute in lieu thereof the words and figures "Two Hundred Dollars (\$200)."

(2) Strike out lines 63, 64 and 65 of page 11.

The amendment was read and was adopted.

Record of Vote

Senator Parkhouse, Hardeman, Hazelwood, Spears, Fuller, Ratliff, Reagan, Secrest, Lane and Schwartz asked to be recorded as voting "Nay" on the adoption of the above amendment.

Senator Patman offered the following amendment to the bill:

Amend the Committee Substitute for House Bill No. 3 by striking out Section 18 and renumbering the succeeding sections accordingly.

The amendment was read and was adopted.

Record of Vote

Senator Parkhouse asked to be recorded as voting "Nay" on the adoption of the above amendment.

Senator Dies offered the following amendment to the bill:

Amend the Committee Substitute for House Bill No. 3 by striking out lines 11, 12, 13 and 14 on page 16 and substituting in lieu thereof the following:

"(b) No licensee shall take a lien on personal property as security for any loan made under this Act. If a

licensee takes a lien on personal property on any loan such loan shall be void and the licensee shall be deemed to be in violation of this Act and suffer the penalties prescribed in Section 17 of this Act."

The amendment was read and was adopted.

Record of Vote

Senator Parkhouse asked to be recorded as voting "Nay" on the adoption of the above amendment.

Senator Owen offered the following amendment to the bill:

Amend the Committee Substitute for House Bill No. 3 as follows:

(1) Strike out lines 48 and 49 on page 2 and substitute in lieu thereof the following:

"(d) 'Commissioner' shall mean the Banking Commissioner of Texas."

(2) Strike out lines 50 and 51 on page 2 and substitute in lieu thereof the following:

"(e) 'Department' shall mean the Banking Department of Texas."

(3) Strike out Section 4 and renumber the succeeding sections accordingly.

The amendment was read and was adopted.

Record of Vote

Senator Parkhouse asked to be recorded as voting "Nay" on the adoption of the above amendment.

Senator Patman offered the following amendment to the bill:

Amend the Committee Substitute for House Bill No. 3 by adding a new Section to be known as Section 20½ to read as follows:

"Sec. 20½. Harassment Prohibited.

No licensee shall engage in any form of written, oral or physical harassment which affects the mental or physical well-being of a borrower. Any licensee who persists in any such form of harassment after a warning to cease and desist by the Commissioner shall be in violation of this Act and shall have his license revoked."

The amendment was read and was adopted.

Record of Vote

Senator Parkhouse asked to be re-

cordede as voting "Nay" on the adoption of the above amendment.

Senator Hudson offered the following amendment to the bill:

Amend Senate Committee Substitute for H. B. 3 Sec. 23 by deleting the entire Section 23 and renumber the succeeding sections.

HUDSON
OWEN
DIES

The amendment was read and was adopted.

Record of Vote

Senator Parkhouse asked to be recorded as voting "Nay" on the adoption of the above amendment.

Senator Martin offered the following amendment to the bill:

Amend Committee Substitute to H. B. 3 by striking out sub-section 1 under (a) of Section 8 and substituting in lieu thereof the following:

"1. No person who is not a resident of the State of Texas shall be eligible to receive a license under this Act. No license shall be issued to a corporation unless the same be incorporated under the laws of this State and at least fifty-one per cent (51%) of the stock of the corporation is owned at all times by citizens of the State of Texas and who possess the qualifications required of other applicants for license; provided, however, that the restrictions contained in the preceding clause shall not apply to domestic corporations, or to foreign corporations which were doing business in this State under charter or license prior to November 8, 1960. Partnerships, firms, and associations applying for licenses shall be composed wholly of citizens possessing the qualifications above enumerated. Any corporation holding a license under this Act which shall violate any provisions hereof, or any rule or regulation promulgated hereunder, shall be subject to forfeiture of its license and it shall be the duty of the Attorney General, when any such violation is called to his attention, to file suit for such cancellation in a district court in Travis County."

The amendment was read and was adopted.

Record of Vote

Senator Parkhouse asked to be re-

corded as voting "Nay" on the adoption of the above amendment.

Senator Martin offered the following amendment to the bill:

Amend the Committee Substitute for House Bill No. 3 by adding a Subsection "i" to Section 3 thereof, which shall provide as follows:

"(i) 'Amount of loan' means the cash advance plus the authorized charges permitted by this Act."

The amendment was read and was adopted.

Record of Vote

Senator Parkhouse asked to be recorded as voting "Nay" on the adoption of the above amendment.

Senator Owen offered the following amendment to the bill:

Amend Senate Committee Substitute for H. B. 3, Section 1, by deleting all of Section 1 together with the subsections thereof, and by renumbering the succeeding sections to conform.

The amendment was read and was adopted.

Record of Vote

Senators Spears and Parkhouse asked to be recorded as voting "Nay" on the adoption of the above amendment.

Senator Schwartz offered the following amendment to the bill:

Amend Committee Substitute to H. B. 3 by striking out (b) of Sec. 13 and substituting in lieu thereof the following:

(b) Each licensee shall annually on or before the first day of April file a report with the Commissioner giving such relevant information as the Commissioner may reasonably require concerning the business and operations during the preceding calendar year for each licensed place of business conducted by such licensee within the State. In addition to all other information reasonably required by the Commissioner such report shall show, among other things, a detailed breakdown of each expenditure for advertising, public relations, legal fees and consultant fees of any nature. Such breakdown shall show the amount of each such expenditure, the name and address of the person re-

ceiving such expenditure, and the purpose of such expenditure. Such report shall be made under oath and shall be in the form prescribed by the Commissioner, who shall make and publish annually a consolidated analysis and recapitulation of such reports. Failure to file a report within the time specified, filing a report with omissions or filing a false report shall be sufficient grounds for the irrevocable revocation of a license.

The amendment was read and was adopted.

Record of Vote

Senator Parkhouse asked to be recorded as voting "Nay" on the adoption of the above amendment.

Senator Aikin offered the following amendment to the bill:

Amend Committee Substitute for H. B. 3 by striking the words and figures \$200.00 wherever they appear in Section 9 and insert in lieu thereof the words and figures \$25.00.

The amendment was read and was adopted.

Record of Vote

Senator Parkhouse asked to be recorded as voting "Nay" on the adoption of the above amendment.

Senator Spears offered the following amendment to the bill:

Amend Committee Substitute to H. B. 3, Section 13, Subsection (a) by deleting the words "relating to loans made under this Act" in the first paragraph.

The amendment was read and was adopted.

Record of Vote

Senator Parkhouse asked to be recorded as voting "Nay" on the adoption of the above amendment.

Senator Owen offered the following amendment to the bill:

Amend Senate Committee Substitute for H. B. 3, Sec. 16, by deleting the entire section and substituting in lieu therefor the following:

"Sec. 16. More Than One Business in Single Office. (a) No licensee shall conduct the business of making loans under this Act in conjunction with

any other business in the same office. It is further provided that two or more licensees shall not conduct their business in adjacent offices. (b) No licensee shall conduct the business of making loans provided by this Act under any name, or at any place of business within this State, other than that stated in the license. (c) No licensee shall be permitted to solicit or make loans by mail or circular."

The amendment was read and was adopted.

Record of Vote

Senator Parkhouse asked to be recorded as voting "Nay" on the adoption of the above amendment.

Senator Owen offered the following amendment to the bill:

Amend the Committee Substitute for House Bill No. 3 by striking out the words and figures "One Hundred Dollars (\$100)" as they appear on line 40 of page 4 and line 48 of page 13 and substituting in lieu thereof the following words and figures: "Five Hundred Dollars (\$500)"

The amendment was read and was adopted.

Record of Vote

Senator Parkhouse asked to be recorded as voting "Nay" on the adoption of the above amendment.

Senator Spears offered the following amendment to the bill:

Amend Committee Substitute for H. B. 3 by striking on page 9, line 12, the words "or about to violate," and striking on page 10, the comma at the end of line 21; and on page 10, line 22, striking the words "or intends to."

The amendment was read and was adopted.

Record of Vote

Senator Parkhouse asked to be recorded as voting "Nay" on the adoption of the above amendment.

Senator Patman offered the following amendment to the bill:

Amend the Committee Substitute to H. B. 3 by deleting the following words in Section 34:

"and Subsections (5) and (6) of Article 19.01, Title 122A, Taxation—

General, Revised Civil Statutes of Texas, 1925."

The amendment was read and was adopted.

Record of Vote

Senator Parkhouse asked to be recorded as voting "Nay" on the adoption of the above amendment.

On motion of Senator Reagan and by unanimous consent the caption was amended to conform to the body of the bill as amended.

C. S. H. B. No. 3 as amended was passed to third reading.

Record of Vote

Senator Parkhouse asked to be recorded as voting "Nay" on the passage of C. S. H. B. 3 to third reading.

Committee Substitute House Bill 3 on Third Reading

Senator Reagan moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C. S. H. B. No. 3 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Spears
Krueger	Willis
Lane	

Absent—Excused

Roberts Weinert

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—25

Baker	Lane
Calhoun	Martin
Colson	Moore
Creighton	Owen
Crump	Ratliff
Dies	Reagan
Fuller	Rogers
Hardeman	Schwartz
Hazlewood	Secrest
Herring	Smith
Hudson	Spears
Kazen	Willis
Krueger	

Nays—4

Aikin	Parkhouse
Moffett	Patman

Absent—Excused

Roberts Weinert

Message from the House

Austin, Texas,
January 25, 1962.

Hon. Charles F. Herring, President Pro Tempore of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 18, Granting an easement to the City of Austin for water line purposes.

S. C. R. No. 20, Praising A. C. Howerton.

S. B. No. 53, A bill to be entitled "An Act enlarging Jefferson County Drainage District No. 7, Jefferson County, Texas; and defining the boundaries; finding the field notes and boundaries form a closure, and related matters; creating and establishing same as a District under Section 59, Article XVI, Texas Constitution; granting to said District the powers and rights conferred by Section 59, Article XVI, Constitution of Texas, and the General Laws relating to drainage districts with certain exceptions; etc.; and declaring an emergency."

(With amendment.)

The House has adopted the Conference Committee Report on Senate Bill No. 19 by a vote of 136 ayes, 5 noes.

S. B. No. 9, A bill to be entitled "An Act validating under certain conditions proceedings relating to the

adoption of home rule charters, validating the charters so adopted, and providing that such charter so adopted shall constitute the home rule charter of the City; etc.; and declaring an emergency."

S. C. R. No. 5, Commending the Institute of Certified Texas Assessors of the Texas Association of Assessing Officers.

S. B. No. 30, A bill to be entitled "An Act providing the mode of election of certain school trustees in all counties containing a population of not less than seventy-five thousand (75,000) and not more than eighty thousand (80,000) according to the last preceding Federal Census; and declaring an emergency."

S. B. No. 18, A bill to be entitled "An Act providing a minimum monthly salary for the Head-Principal in a 2-year accredited high school district, and for the Head-Principal in an elementary district employing 6-19 teachers, and declaring an emergency."

S. B. No. 26, A bill to be entitled "An Act relating to and fixing minimum and maximum salary of the official shorthand reporter for the 109th Judicial District of Texas, and declaring an emergency."

S. B. No. 39, A bill to be entitled "An Act amending Section 4 as added to Article 6050 of the Revised Civil Statutes of Texas, 1925, by Chapter 31, Acts of the 53rd Legislature, 1st Called Session, 1954, so as to provide that the sale, transportation or delivery of natural gas for certain agricultural purposes or uses shall not alone constitute a person, association, corporation, trustee, receiver, or partnership a 'gas utility,' 'public utility' or 'utility' as defined by Article 6050 of the Revised Civil Statutes of Texas, 1925, but if such a person, association, corporation, trustee, receiver, or partnership in such a utility as defined elsewhere in Article 6050 by virtue of other activities and business engaged in by it, the sale, transportation, or delivery of natural gas by it for certain agricultural purposes or uses shall be subject to the jurisdiction, control and regulation of the Railroad Commission; repealing Section 4a of Article 6050; providing for severability; and declaring an emergency."

(With amendment.)

S. B. No. 43, A bill to be entitled "An Act amending Section 6 of Chapter 159, Acts of the 57th Legislature, Regular Session, 1961, compiled as Section 6 of Article 2338-14, Vernon's Texas Civil Statutes, so as to authorize and make provision for the Court of Domestic Relations for Jefferson County to sit and hold court at any time in Port Arthur and to hear and determine any civil non-jury case over which it has jurisdiction; authorizing the judges of district courts to sit for the judge of the Court of Domestic Relations; validating certain acts by said Court; and declaring an emergency."

S. B. No. 60, A bill to be entitled "An Act amending Sec. 212 of the Election Code of the State of Texas (codified as Art. 13.34 of V.T.E.C.), relating to county and precinct conventions; and declaring an emergency."

H. B. No. 34, A bill to be entitled "An Act creating Pan American University in Hidalgo County, Texas, and providing for organization, control and management of the university, the appointment of a Board of Regents, and selection of a President; providing for effective date of September 1, 1965, and blending of organization with Pan American College until September 1, 1965; providing for the financing of the university; providing for work, courses, and degrees of a first-class university, and further providing for Astronomy and Space Science, empowering cooperation with United States and Mexico and all state agencies; providing for courses and programs on the basis of need with no duplication of existing facilities; providing for the transfer and manner of transfer of certain properties and assets from Pan American Regional College District to Pan American University and for use and disposition thereof; providing for acceptance of donations, gifts and endowments; providing for obligations of the Legislature; repealing all laws and parts of laws in conflict with this Act; providing a saving clause; and declaring an emergency."

H. B. No. 35, A bill to be entitled "An Act creating Angelo State College at San Angelo, Texas, as a co-educational institution of higher learning, providing that the organization, management and control of

said College shall be vested in the Board of Regents of the State Teachers Colleges; empowering the Board of Regents to appoint and to remove the President, any faculty member or other officer or employee of the College when it deems such appointment or removal necessary to the best interests of the College and to fix the salaries and prescribe the duties thereof by written order; providing for offering courses of higher learning in the arts and sciences, in business administration and in teacher training, establishing a standard four-year course for said College; providing for the awarding of bachelor's degrees; providing that higher degrees may be offered only on recommendation of the Board of Regents, with the approval of the Texas Commission on Higher Education; providing for special, short and terminal courses; providing for the transfer, gift and donation of all the assets, corporeal properties and facilities of the Junior College District of Tom Green County, Texas, to the Board of Regents or its successors, of the Angelo State College, herein created on September 1, 1965, free and clear of any indebtedness or indebtednesses, encumbrance or encumbrances of any kind and authorizing the Board of Regents of the College herein created to accept such assets, corporeal properties and facilities; providing for the Board of Regents to accept donations, gifts and endowments; vesting the management and control of the lands and minerals of the College in the Board of Regents; authorizing and directing the Board of Regents to prescribe fees, rentals and charges for use of the facilities of Angelo State College and for reporting thereof; authorizing the Board of Regents to enter into contracts with the Department of Defense of the United States of America to establish and maintain courses in military training, for credit therefor, under certain conditions; providing a severability clause; and declaring an emergency clause."

H. B. No. 77, A bill to be entitled "An Act amending Section 10 of the 'Lower Colorado River Authority Act,' Chapter 7, Acts of the Fourth Called Session of the 43rd Legislature (1934), page 19, as amended by Chapter 2, Special Laws of the Regular Session of the 46th Legislature (1939), page 1048, by Chapter 61, Acts of the Regular Session of the 51st Legislature

(1949), page 101, and by Chapter 165, Acts of the Regular Session of the 54th Legislature (1955), page 532, and by Chapter 327, Acts of the Regular Session of the 56th Legislature (1959), page 708, so as to authorize the Lower Colorado River Authority to sell bonds to the United States of America, or to agency or corporation created or designated by the United States of America; to acquire, install, or construct, and to operate a stream plant located within the boundaries of the District to serve the area now being served by the Lower Colorado River Authority; and providing rights and powers of bondholders in event of default; re-enacting the remainder of said Section 10 without change; containing a severability clause; and declaring an emergency."

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives

House Bill on First Reading

The following bill received from the House was read the first time and referred to the committee indicated:

H. B. No. 77, To the Committee on Water and Conservation.

Reports of Standing Committees

Senator Parkhouse by unanimous consent submitted the following report:

Austin, Texas,
January 24, 1962.

Hon. Charles F. Herring, President
Pro Tempore of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred H. B. No. 29, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE, chairman.

Senator Lane by unanimous consent submitted the following reports:

Austin, Texas,
January 25, 1962.

Hon. Charles F. Herring, President
Pro Tempore of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. C. R. No. 5, have had the same under consideration, and we are instructed to report it back to the Senate with

the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
January 25, 1962.

Hon. Charles F. Herring, President
Pro Tempore of the Senate.

Sir: We, your Committee on State Affairs to whom was referred S. B. No. 74, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
January 25, 1962.

Hon. Charles F. Herring, President
Pro Tempore of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 77, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
January 25, 1962.

Hon. Charles F. Herring, President
Pro Tempore of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 90, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
January 25, 1962.

Hon. Charles F. Herring, President
Pro Tempore of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 92, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
January 25, 1962.

Hon. Charles F. Herring, President
Pro Tempore of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 94, have had the same under consideration, and we are instructed to

report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
January 25, 1962.

Hon. Charles F. Herring, President
Pro Tempore of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 64, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute adopted in lieu thereof do pass and be printed.

LANE, Chairman.

C. S. S. B. No. 64, was read first time.

Senator Hardeman by unanimous consent submitted the following report:

Austin, Texas,
January 25, 1962.

Hon. Charles F. Herring, President
Pro Tempore of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. C. R. No. 17, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Senator Parkhouse by unanimous consent submitted the following report:

Austin, Texas,
January 25, 1962.

Hon. Charles F. Herring, President
Pro Tempore of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred H. B. No. 77, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

House Bill 77 Ordered Not Printed

On motion of Senator Parkhouse and by unanimous consent H. B. No. 77 was ordered not printed.

Senate Bill 98 on First Reading

By unanimous consent the following bill was introduced, read first

time and referred to the committee indicated:

By Senator Hardeman (by request):

S. B. No. 98, A bill to be entitled "An Act relating to the creation of a State Disaster Council charged with the duty of carrying out the State's responsibility to its citizens in the event of a public calamity by making certain determinations and taking certain prescribed actions; and relating further to the powers and duties of and acts to be performed by the Governor in cases of public calamity; providing for the financing of actions taken to effectuate the purposes of the Act by the creation of a special fund and allocation of certain revenues thereto, by making certain appropriations and by authorizing investment of funds and reciprocal loan compacts with other states; providing a severability clause; and declaring an emergency."

To the Committee on State Affairs.

Senate Bill 96 Ordered Not Printed

On motion of Senator Smith and by unanimous consent S. B. No. 96 was ordered not printed.

Senate Resolution 52

Senator Rogers by unanimous consent offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate, Miss Dorsey Ewing of Nueces County and Dick Plank of Hereford, Texas, vice chairmen of the Texas 4-H Council, who are in Austin for the Governor's signing of the proclamation making March 3 to March 10, 1962, "National 4-H Week in Texas"; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; Now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

ROGERS
REAGAN

The resolution was read and was adopted.

Report of Standing Committee

Senator Aikin by unanimous consent submitted the following report:

Austin, Texas,
January 25, 1962.

Hon. Charles F. Herring, President
Pro Tempore of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 19, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

House Bill 19 Ordered Not Printed

On motion of Senator Baker and by unanimous consent H. B. No. 19 was ordered not printed.

Bills Signed

The President Pro Tempore signed in the presence of the Senate after the caption had been read, the following enrolled bills:

S. B. No. 6, A bill to be entitled "An Act validating all proceedings in connection with county bonds heretofore favorably voted for the purpose of erecting, repairing and equipping courthouse and jail buildings and county branch office buildings; authorizing the issuance and delivery of such bonds; providing the Act shall not validate proceedings where the validity thereof has been or is being questioned on the effective date thereof in a court of competent jurisdiction if such litigation is ultimately determined against the validity thereof; enacting other provisions relating to the subject; and declaring an emergency."

S. B. No. 14, A bill to be entitled "An Act authorizing Cities and Towns in this State, regardless of how incorporated, but which are located within or which have contracted or may hereafter contract with any Municipal Water Authority or other District organized under Section 59 of Article XVI of the Texas Constitution, for a supply of untreated water, to acquire either separately or jointly by gift, dedication, purchase, condemnation or otherwise, property located inside or outside such Cities and Towns for the purpose of providing water purification and treatment facilities; etc.; and declaring an emergency."

H. B. No. 1, A bill to be entitled "An Act to amend Title 53, Revised

Civil Statutes of Texas, 1925, by adding Article 3272b to protect and preserve dormant deposits and inactive accounts held by a depository; defining terms; prohibiting the conversion or reduction of such accounts while in dormant or inactive status; requiring advertising for lost owners and reporting to the State of certain accounts of owners who cannot be located; providing for conservation and disposition of funds delivered to the State, procedures for payment to owners at any time thereafter discovered; and other related rules and procedures; providing for presumptions and prima facie evidence, penalties, supplemental effect, severability, and declaring an emergency."

House Bills on First Reading

The following bills received from the House, were read the first time and referred to the committee indicated:

H. B. No. 35, To the Committee on State Affairs.

H. B. No. 34, To the Committee on State Affairs.

Recess

Senator Hardeman moved that the Senate stand recessed until 3:00 o'clock p. m. today.

Senator Moore moved that the Senate stand adjourned until 10:30 o'clock a.m. tomorrow.

Question first on the motion of Senator Moore to adjourn until 10:30 o'clock a.m. tomorrow.

Yeas and Nays were demanded.

The motion to adjourn was lost by the following vote:

Yeas—11

Calhoun	Moffett
Creighton	Moore
Dies	Rogers
Hazlewood	Schwartz
Kazen	Spears
Martin	

Nays—18

Aikin	Herring
Baker	Hudson
Colson	Krueger
Crump	Lane
Fuller	Owen
Hardeman	Parkhouse

Patman	Secrest
Ratliff	Smith
Reagan	Willis

Absent—Excused

Roberts	Weinert
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Question recurring on the motion of Senator Hardeman that the Senate recess until 3:00 o'clock p.m. today, the motion prevailed.

Accordingly the Senate at 1:15 o'clock p.m. took recess until 3:00 o'clock p.m. today.

After Recess

The President Pro Tempore called the Senate to order at 3:00 o'clock p.m. today.

Message from the Governor

The following message received from the Governor was read and filed with the Secretary of the Senate:

January 25, 1962.

To the Members of the 57th Legislature, Third Called Session:

I herewith submit as additional subjects for the Special Session the following legislation:

1. Authority for the Texas Employment Commission to enter into a compact with other States.

2. Appropriating the balance in the Prepaid Funeral Contract Fund (No. 76) to the Department of Banking, as requested by the Banking Commissioner.

3. Amendments to Article 527 of the Penal Code, as amended, relating to the definition of "obscene," requested by several Members with pending bills on the subject.

Respectfully submitted,
PRICE DANIEL,
Governor.

Senate Bill 22 with House Amendments

Senator Kazen called S. B. No. 22 from the President's table for consideration of the House amendments to the bill.

The President Pro Tempore laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Kazen moved that the Senate concur in the House amendments.

Yeas and Nays were demanded.

The motion prevailed by the following vote:

Yeas—27

Aikin	Martin
Baker	Moffett
Calhoun	Owen
Colson	Parkhouse
Creighton	Patman
Crump	Ratliff
Dies	Reagan
Fuller	Rogers
Hardeman	Schwartz
Hazlewood	Secrest
Herring	Smith
Kazen	Spears
Krueger	Willis
Lane	

Nays—1

Moore

Absent

Hudson

Absent—Excused

Roberts Weinert

House Bill 24 Re-referred

On motion of Senator Schwartz and by unanimous consent H. B. No. 24 was withdrawn from the Committee on Jurisprudence and re-referred to the Committee on Counties, Cities and Towns.

Message from the House

Hall of the House of Representatives
Austin, Texas,
January 25, 1962.

Hon. Charles Herring, President Pro Tempore of the Senate:

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 88, A bill to be entitled "An Act constituting a local law for the maintenance of public roads and highways in Robertson County to issue certificates of indebtedness for certain stated purposes; etc.; and declaring an emergency."

S. B. No. 93, A bill to be entitled "An Act amending Senate Bill No.

36, page 544, General Laws of the State of Texas . . . authorizing payment to vendors of Medical Assistance on behalf of recipients of Public Assistance, etc., and declaring an emergency."

S. B. No. 17, A bill to be entitled "An Act authorizing the Boards of Education of Public Schools of Texas and the Governing Boards of State-supported institutions of higher education to purchase annuities for their employees; and declaring an emergency."

S. B. No. 95, A bill to be entitled "An Act authorizing the sale or lease of certain tracts of land located in Matagorda County comprising the campsite of Camp Hulen; providing that the governing body of the City of Palacios shall be agent of the State of Texas for the purpose of consummating the sale or lease of such property; etc.; and declaring an emergency."

S. B. No. 34, A bill to be entitled "An Act to provide for the registration and protection of trademarks and service marks, to define certain terms, to define marks registrable and marks not registrable, to define the requirements for an application for registration, to instruct the Secretary of State as to handling of applications for registration and issuance of certificates of registration, to define the rights and privileges descendent from a registration of a mark, to constitute a registration of a mark as constructive notice of a claim of ownership, to provide for judicial review of actions of the Secretary of State concerning marks; etc.; and declaring an emergency."

(With amendment.)

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

**Conference Committee Report
on Senate Bill 19**

The President Pro Tempore laid before the Senate the following Conference Committee Report on S. B. No. 19:

Austin, Texas,
January 25, 1962.

Hon. Charles F. Herring, President Pro Tempore of the Senate:

Hon. James A. Turman, Speaker of the House of Representatives:

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on S. B. No. 19, have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form attached.

WILLIS
RATLIFF
OWEN
ROGERS
HARDEMAN

On the part of the Senate.

GLADDEN
RICHARDSON
SHANNON
COWEN
GREEN

On the part of the House.

S. B. No. 19,

A BILL
To Be Entitled

An Act creating a Court of Domestic Relations for Tarrant County, Texas; fixing the jurisdiction; conforming the jurisdiction of other courts thereto; fixing its term; providing the manner of selection, tenure and compensation of the Judge and other officers of said Court; providing the manner of and grounds for removal of the Judge of said Court; providing for the membership of the Juvenile Board of Tarrant County; providing for appeals to higher courts; providing the procedure of said Court; providing for the services of certain county and district officers to said Court; containing a saving clause; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. There is hereby created a Court of Domestic Relations in and for Tarrant County, Texas.

Sec. 2. The Judge of the Court of Domestic Relations hereby established shall be at least twenty-five (25) years of age and licensed to practice law in this State, who has been a practicing attorney or a judge of a court for four (4) years and a resident of Tarrant County for two (2) years next before his election or appointment. He shall reside in Tarrant County during his term of office. He shall be paid a salary which shall be equal to the total salary paid by the County of Tarrant and State

of Texas to any one judge of a District Court of Tarrant County, Texas. His salary shall be paid out of the General Fund of Tarrant County in twelve (12) equal monthly installments. He shall be a member of the Juvenile Board of Tarrant County, which shall hereafter be composed of the Judges of the several District Courts and Criminal District Courts of Tarrant County, the County Judge of Tarrant County, and the Judge of the Court of Domestic Relations for Tarrant County, which Juvenile Board shall be authorized to designate the Court of Domestic Relations as the Juvenile Court of Tarrant County; Judges of the District Courts and Criminal District Courts of Tarrant County shall continue to receive such compensation for all judicial and administrative services required of them including the services as members of the Juvenile Board and otherwise from county funds as they are now entitled to receive or may hereafter be authorized to receive under general or special law.

Sec. 3. Said Court of Domestic Relations shall have jurisdiction within the limits of Tarrant County concurrent with the Civil District Courts sitting in said county of all cases involving adoptions, birth records, removal of disability of minority, and coverture, change of name of persons, delinquent child proceedings, neglected or dependent child proceedings, and all jurisdiction, powers and authority now or hereafter placed in the District Courts under the juvenile and child-welfare laws of this State; and of all divorce and marriage annulment cases, including the adjustment of property rights and custody, visitation and support of minor children involved therein, alimony pending final hearing and any and every other matter incident to divorce or annulment proceedings as well as independent actions involving child custody, visitation, support, or reciprocal support cases, contempt actions arising out of failure to pay child support and all other cases involving justiciable controversies and differences between spouses, or between parents, or between them, or one of them, and their minor children, which are now, or may hereafter be, within the jurisdiction of the Civil District Courts of Tarrant County; and all cases in which children are alleged or charged to be dependent, neglected or delinquent children as

provided by law. All cases enumerated or included above may be instituted in or transferred to said Court.

Sec. 4. The District Courts of Tarrant County may transfer to said Court of Domestic Relations any and all cases, in their respective courts of which cases said Court of Domestic Relations is hereby given jurisdiction, including all filed papers, reports, records, and certified copies of all orders theretofore entered in said cases.

Sec. 5. All writs and process issued by or out of a District Court prior to the time any case is transferred by said Court to the Court of Domestic Relations shall be returned and filed in the Court of Domestic Relations and shall be as valid and binding upon the parties to such transferred cases as though such writ or process had been issued out of the Court of Domestic Relations, and all waivers of process, and other instruments executed prior to the transfer of any case shall also be as valid and binding as though executed after such transfer.

Sec. 6. The said Court of Domestic Relations shall be a court of record, shall sit and hold court at the county seat of Tarrant County, shall have a seal and maintain all necessary dockets, records and minutes therein. The District Clerk of Tarrant County shall serve as the Clerk of said Court. He shall keep a fair record of all acts done and proceedings had in said Court and shall perform all such duties as are required generally of District Clerks insofar as the same may be applicable in this Court. The seal of said Court shall have a star of five points with the words "Court of Domestic Relations, Tarrant County, Texas" engraved thereon.

Sec. 7. At the next general election following the effective date of this Act there shall be elected the Judge of the Court of Domestic Relations of Tarrant County. The term of office shall be for a period of four (4) years. The first term shall commence on January 1, 1963. Thereafter, the Judge shall be elected as provided by the Constitution and laws of the State for the election of District Judges. He shall be subject to removal from office for the same reasons and in the same manner as is provided by the Constitution and laws of this State for removal of District Judges. Vacancies in the office shall be filled by appointment by the Governor.

Sec. 8. The Juvenile Board and its members shall give counsel and advice to the Judge of the Court of Domestic Relations when deemed necessary or when sought by him, and shall cooperate with him in the administration of the affairs of said court and shall prepare a schedule setting forth the order of business for the Court of Domestic Relations. The Judge of the Court of Domestic Relations shall sit and hear all cases and other matters to be tried and determined by him at such times and in accordance with the schedule prepared by the Juvenile Board. Such schedule outlining the order of business to be followed by the Court of Domestic Relations shall be subject to change by the Juvenile Board at such times as the business of the Courts may require.

Sec. 9. All cases, applications, complaints, and all other matters over which the Court of Domestic Relations is herein given jurisdiction may be transferred to or instituted in said Court; said Court and the Judge thereof may transfer any such cases, complaints, or other matters to any District Court or Criminal District Court of Tarrant County having jurisdiction thereof under the laws of the State of Texas, with the consent of the Judge of such Court, and the Judge of such District Court or Criminal District Court may try all such cases, complaints, or other matters which may be so transferred. Any Judge of a District Court or Criminal District Court of Tarrant County may in his discretion preside as Judge of the Juvenile Court and of the Court of Domestic Relations and hear and determine all such cases, complaints, or other matters over which the Judge of such District Courts or Criminal District Courts has jurisdiction under the laws of the State of Texas, with the same authority to act as Presiding Judge over all such cases, complaints, or other matters for all purposes, and to the same extent as the Judge of the Court of Domestic Relations, and such Judge of a District Court of Criminal District Court of Tarrant County, Texas, may sit in his own court room, the Juvenile Court Room, the court room of any other District Court within the county, or the Court of Domestic Relations and hear and determine any case, complaint, or matter pending in the Court of Domestic Relations, and such Judge of a District Court or Criminal District

Court may at his discretion transfer any such case, complaint, or other matter over which his Court has jurisdiction under the laws of the State of Texas from the Court of Domestic Relations to his own court for trial and disposition. In the event of disqualification of the Judge of the Court of Domestic Relations to try a particular case or because of illness, inability, failure or refusal of said Judge to hold court at any time, the Juvenile Board may select a Special Judge who shall hold the court and proceed with the business thereof, or said Juvenile Board may request the Presiding Judge of the Eighth Administrative Judicial District of Texas to assign a Judge to handle the business of said court pursuant to the provisions of Article 200a of the Revised Civil Statutes of Texas, and said Judge so selected by the Board or assigned by the Presiding Judge shall be paid for his services in the same manner as provided by the Constitution and Laws of this State for the payment of District Judges assigned to sit for other District Judges.

Sec. 10. It shall be the duty of all officers, agents, and employees of the Probation Department, Child Welfare Board, County Welfare Office, County Health Officer and Sheriff and Constables of Tarrant County to furnish to said Court such services in the line of their respective duties as shall be required by said Court, and all sheriffs and constables within the State of Texas shall render the same services and perform the same duties with reference to process and writs from said Court of Domestic Relations as is required of them by law with reference to process and writs from District Courts.

Sec. 11. The Judge of the Court of Domestic Relations shall have authority to appoint a court reporter, who shall receive the same compensation as provided by law for court reporters of District Courts in Tarrant County and whose salary shall be paid by the Commissioners Court of Tarrant County. A bailiff shall be designated by the Sheriff of Tarrant County to serve the Court as in other Courts of the county.

Sec. 12. In all suits for divorce where it appears from the petition or otherwise that the parties to such suit have a child or children under the age of eighteen (18) years, and in any other cases involving the custody of any child or children, the

said Court or Judge thereof, in its or his discretion, may require such juvenile officer or investigator to make a thorough and complete investigation as to the necessities, environment and surroundings of the child or children and of the disposition that should be made of such child or children, and to make report thereof to the Court, and, if desired by the Court, to produce such evidence on any hearing in such case as may have been developed in connection with such investigation.

Sec. 13. The said Court and the Judge thereof shall have the power to issue writs of habeas corpus and mandamus, injunctions, temporary injunctions, restraining orders, orders of sale, execution, writs of possession and restitution, and any and all other writs as now or hereafter may be issued under the laws of this State by District Courts, when necessary or proper in cases or matters in which said Court of Domestic Relations has jurisdiction, and also shall have power to punish for contempt.

Sec. 14. The first term of such Court of Domestic Relations shall begin when the Judge thereof is duly selected and qualified, and remain in session until the first day of the following September; and its term shall thereafter begin on the first day of September of each year and remain in session continuously to and including the thirty-first day of August of the next year.

Sec. 15. Appeals in all civil cases from judgments and orders of said Court shall be to the Court of Civil Appeals of the Second Supreme Judicial District as now or hereafter provided for appeals from District and County Courts and in all criminal cases appeals shall be to the Court of Criminal Appeals.

Sec. 16. The practice and procedure, rules of evidence, selection of juries, issuance of process and all other matters pertaining to the conduct of trials and hearings in said Court shall be governed by provisions of this Act and the laws and rules pertaining to District Courts; provided that juries shall be composed of twelve (12) members.

Sec. 17. If any section, clause, or part of this Act shall be held invalid, it is hereby declared to be the intention of the Legislature that the remainder thereof not held invalid shall remain in effect, and the valid-

ity of the remainder of this Act shall not be affected thereby.

Sec. 18. The fact that there is a present imperative need for combining all matters affecting domestic relations under the authority of a single court; the fact that cases involving marital relationships and domestic relations generally are inextricably interwoven with problems of juvenile delinquency and dependent and neglected children requiring that all such matters be handled by a single court; and the further fact that due to an extreme increase in the population of the territory covered by this Court, and the resulting increase in the matters to be handled by such court create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and the same is hereby suspended, and that this Act shall become effective immediately upon its passage, and it is so enacted.

The Conference Committee Report was read.

On motion of Senator Willis and by unanimous consent the report was adopted by the following vote:

Yeas—28

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Kazen	Smith
Krueger	Spears
Lane	Willis

Absent

Hudson

Absent—Excused

Roberts Weinert

House Bill 77 on Second Reading

Senator Krueger moved that Senate Rules 13, 32 and 38 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H. B. No. 77 be placed on its second reading and pas-

sage to third reading and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Kazen	Smith
Krueger	Spears
Lane	Willis

Absent

Hudson

Absent—Excused

Roberts Weinert

The President Pro Tempore then laid before the Senate on its second reading and passage to third reading the following bill:

H. B. No. 77, A bill to be entitled "An Act amending Section 10 of the 'Lower Colorado River Authority Act,' Chapter 7, Acts of the Fourth Called Session of the 43rd Legislature (1934), page 19, as amended by Chapter 2, Special Laws of the Regular Session of the 46th Legislature (1939), page 1048, by Chapter 61, Acts of the Regular Session of the 51st Legislature (1949), page 101, and by Chapter 165, Acts of the Regular Session of the 54th Legislature (1955), page 532, and by Chapter 327, Acts of the Regular Session of the 56th Legislature (1959), page 708, so as to authorize the Lower Colorado River Authority to sell bonds to the United States of America, or to agency or corporation created or designated by the United States of America; etc.; and declaring an emergency."

The bill was read the second time and was passed to third reading.

House Bill 77 on Third Reading

The Constitutional Rule requiring bills to be read on three several days having been suspended the President Pro Tempore laid H. B. No. 77 before

the Senate on its third reading and final passage.

The bill was read the third time and was passed by the following vote:

Yeas—28

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Kazen	Smith
Krueger	Spears
Lane	Willis

Absent

Hudson

Absent—Excused

Roberts Weinert

Senate Bill 99 on First Reading

By unanimous consent the following bill was introduced, read first time and referred to the committee indicated:

By Senator Martin:

S. B. No. 99, A bill to be entitled "An Act appropriating the balance in the Prepaid Funeral Contract Fund to the Department of Banking and amending Sec. 10 of Chapter 512, Acts of the 54th Legislature, to provide for the collection of filing fees and examination costs under that Act by the Banking Department of Texas."

To the Committee on Banking.

Senate Bill 7 with House Amendments

Senator Patman called S. B. No. 7 from the President's table for consideration of the House amendments to the bill.

The President Pro Tempore laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Patman moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—28

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Kazen	Smith
Krueger	Spears
Lane	Willis

Absent

Hudson

Absent—Excused

Roberts Weinert

House Bill 17 on Second Reading

The President Pro Tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 17, A bill to be entitled "An Act creating a conservation and reclamation district under the provisions of Section 59, Article XVI, Constitution of Texas, to be known as 'Dayton Drainage District'; prescribing its rights, powers, privileges, and duties; providing the District shall bear the sole expense of the relocation of certain facilities under the provisions of this Act; providing for its governing body; containing other provisions relating to the subject; providing a severability clause; and declaring an emergency."

The bill was read second time.

Senator Colson offered the following amendment to the bill:

Amend Section 1 of House Bill No. 17 by striking out all of the paragraph beginning with the words "Thence Southerly" and inserting in lieu thereof the following:

"Thence Southerly along the West bank of the Trinity River passing the Southeast Corner of the said Liberty Town Tract North League, same being the Northeast corner of the Liberty Town Tract South League and continuing along the West bank of the Trinity River to the Southeast

corner of said Liberty Town Tract South League, same being the Northeast corner of the Elizabeth Munson Survey a point for corner;

Thence West along the North boundary line of the Elizabeth Munson Survey to the intersection with the Easterly bank of Day Lake, a point for corner;

Thence in a Southerly direction with the meanders of the East bank of Day Lake to the intersection of the South boundary line of the said Elizabeth Munson Survey, a point for corner;"

The amendment was read and was adopted.

On motion of Senator Colson and by unanimous consent the caption was amended to conform to the body of the bill as amended.

Pending discussion by Senator Moore of H. B. No. 17, Senator Parkhouse raised the point of order that Senator Moore was not confining his remarks to the bill pending before the Senate.

The President Pro Tempore warned Senator Moore to confine his remarks to the bill pending before the Senate.

Pending further discussion by Senator Moore on H. B. No. 17, Senator Crump raised the point of order that Senator Moore was not confining his remarks to the bill pending before the Senate.

The President Pro Tempore overruled the Point of Order.

Question—Shall House Bill No. 17 as amended be passed to third reading?

Message from the House

Hall of the House of Representatives
Austin, Texas,
January 25, 1962.

Hon. Charles F. Herring, President Pro Tempore of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 23, Granting permission to Claude Keeton, Sidney Keeton, Ralph Keeton and Rostad Zachary to sue the state of Texas and the State Highway Commission.

S. B. No. 89, An Act to provide for

the granting by deed executed by the Governor of the State of Texas to the United States of certain portions of the beds and banks of the Pecos and Devils Rivers for the purposes of storage and flood control projects in accordance with the functions of the International Boundary and Water Commission, United States and United Mexican States; and declaring an emergency.

(With amendments.)

Respectfully submitted,

DOROTHY HALLMAN,

Chief Clerk, House of Representatives

Bills and Resolutions Signed

The President Pro Tempore signed in the presence of the Senate after the caption had been read, the following enrolled bills and resolutions:

H. B. No. 28, A bill to be entitled "An Act amending Section 1 of Chapter 22, Acts of the 53rd Legislature, First Called Session, 1954, as amended, to lengthen the open season on deer in that part of Val Verde County lying east of the Pecos River, and declaring an emergency."

H. B. No. 30, A bill to be entitled "An Act providing an open season for hunting deer in Eastland County; etc., and declaring an emergency."

H. B. No. 39, A bill to be entitled "An Act amending paragraph (c) of Section 2 of Chapter 88, General Laws of the Forty-first Legislature, Second Called Session, 1929, as amended (compiled as Article 6675a-2, Vernon's Texas Civil Statutes), so as to provide that owners of certain construction machinery used for certain purposes and under certain conditions although required to register shall pay an annual registration fee of Five Dollars (\$5) instead of the regular registration fee; and declaring an emergency."

H. B. No. 44, A bill to be entitled "An Act making an appropriation from the General Revenue Fund to the Unemployment Compensation Clearance Account, Fund No. 936, for the purpose of reimbursing the Unemployment Compensation Clearance Account for warrants voided and erroneously transferred to the credit of the General Revenue Fund; and declaring an emergency."

H. B. No. 52, A bill to be entitled

"An Act validating all school districts, including all types of junior and regional college districts, together with the boundaries and names thereof; validating the creation, abolition, and conversion of all such school districts, and all changes in boundaries in all such school districts; validating the annexation of territory and the divorcement or separation from municipal control in all municipally controlled school districts; etc., and declaring an emergency."

H. C. R. No. 7, Granting permission to sue the State of Texas.

H. C. R. No. 8, Providing for the establishment of an interim committee to make a study of screwworm eradication and to make reports and recommendations to the Regular session of the Fifty-eighth Legislature.

H. C. R. No. 11, Granting the Christian and Missionary Alliance of the Southwest District permission to bring suit against the State of Texas.

H. C. R. No. 12, Granting permission to Sam McCollum III to sue the State of Texas and the Veterans Land Board.

H. C. R. No. 13, To grant the City of Big Spring permission to sue the State and the Board of Control.

H. C. R. No. 19, Granting permission to Mrs. Annie Lou Stapleton to sue the State of Texas.

H. C. R. No. 21, In memory of Frank Lee Moffett.

S. C. R. No. 5, Commending the Institute of Certified Texas Assessors of the Texas Association of Assessing Officers.

S. B. No. 9, A bill to be entitled "An Act validating under certain conditions proceedings relating to the adoption of home rule charters, validating the charters so adopted, and providing that such charter so adopted shall constitute the home rule charter of the City; validating elections held for the election of members of the governing body of the city and their assumption of office; validating acts of city officers and officials; etc.; and declaring an emergency."

S. B. No. 18, A bill to be entitled "An Act providing a minimum month-

ly salary for the Head-Principal in a 2-year accredited high school district, and for the Head-principal in an elementary district employing 6-19 teachers, and declaring an emergency."

S. B. No. 26, A bill to be entitled "An Act relating to and fixing minimum and maximum salary of the official shorthand reporter for the 109th Judicial District of Texas; and declaring an emergency."

S. B. No. 30, A bill to be entitled "An Act providing the mode of election of certain school trustees in all counties containing a population of not less than seventy-five thousand (75,000) and not more than eighty thousand (80,000) according to the last preceding Federal Census; and declaring an emergency."

S. B. No. 43, A bill to be entitled "An Act amending Section 6 of Chapter 159, Acts of the 57th Legislature, Regular Session, 1961, compiled as Section 6 of Article 2338-14, Vernon's Texas Civil Statutes, so as to authorize and make provision for the Court of Domestic Relations for Jefferson County to sit and hold court at any time in Port Arthur and to hear and determine any civil non-jury case over which it has jurisdiction; authorizing the judges of district courts to sit for the judge of the Court of Domestic Relations; validating certain acts by said Court; and declaring an emergency."

S. B. No. 60, A bill to be entitled "An Act amending Sec. 212 of the election Code of the State of Texas (codified as Art. 13.34 of V.T.E.C.), relating to county and precinct conventions; and declaring an emergency."

S. B. No. 1, A bill to be entitled "An Act amending Article 9.25 of Chapter 9, Title 122A, Taxation—General, Revised Civil Statutes of Texas, 1925, as amended, and Subsection (4b) of Section 2, Article XX, House Bill No. 8, Chapter 184, Acts of the Regular Session of the Forty-seventh Legislature, (Article 7083a), as amended, to provide for the maintenance of Farm to Market Roads and to require the expenditure of certain amounts for the construction of newly designated Farm to Market Roads; making certain appropriations; providing severability; and declaring an emergency."

S. C. R. No. 18, Granting an easement to the City of Austin, etc.

Report of Standing Committee

Senator Aikin by unanimous consent submitted the following report:

Austin, Texas,
January 25, 1962.

Hon. Charles F. Herring, President Pro Tempore of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 24, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Message from the House

Hall of the House of Representatives
Austin, Texas,
January 25, 1962.

Hon. Charles F. Herring, President Pro Tempore of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 40, A bill to be entitled "An Act promoting health and safety by regulating construction standards of mobile homes; defining certain terms; providing for establishment of standards; requiring a seal of approval; providing for reciprocity with other states; conferring powers and duties of enforcement upon the State Department of Health; providing for submission of construction plans; providing for the charging of inspection fees; and providing for penalties; and declaring an emergency."

S. B. No. 15, A bill to be entitled "An Act authorizing certain cities to issue revenue bonds for the purpose of establishing, improving, enlarging, extending or repairing the airport or airports thereof, including the acquisition of land therefor, and containing provisions relating to such bonds and the revenues pledged in payment thereof; etc.; and declaring an emergency."

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Welcome Resolutions

S. R. No. 49, By Senator Krueger

for President Pro Tempore Herring: Extending welcome to C. D. Campbell, principal, and students of the Government Class of Bastrop High School.

S. R. No. 50, By Senator Colson for President Pro Tempore Herring: Extending welcome to Mrs. Bill B. Cobb and the Third Grade Class of the Highland Park School of Austin.

Memorial Resolution

S. R. No. 47, By Senator Willis: Memorial resolution for J. Ernest Fender.

Recess

Senator Schwartz moved that the Senate stand recessed until 10:30 o'clock a.m. on tomorrow.

Senator Parkhouse moved the Senate stand adjourned until 10:30 o'clock a.m. tomorrow.

Question first on the motion of Senator Parkhouse to adjourn until 10:30 o'clock a.m. tomorrow, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—14

Baker	Krueger
Calhoun	Moffett
Creighton	Moore
Dies	Patman
Fuller	Rogers
Herring	Schwartz
Kazen	Spears

Nays—14

Aikin	Owen
Colson	Parkhouse
Crump	Ratliff
Hardeman	Reagan
Hazlewood	Secrest
Lane	Smith
Martin	Willis

Absent

Hudson

Absent—Excused

Roberts

Weinert

Question next on the motion of Senator Schwartz that the Senate stand recessed until 10:30 o'clock a.m. tomorrow, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—15

Baker	Krueger
Calhoun	Moffett
Colson	Moore
Creighton	Patman
Dies	Rogers
Fuller	Schwartz
Herring	Spears
Kazen	

Nays—13

Aikin	Hardeman
Crump	Hazlewood

Lane	Reagan
Martin	Secrest
Owen	Smith
Parkhouse	Willis
Ratliff	

Absent

Hudson

Absent—Excused

Roberts

Weinert

Accordingly the Senate at 5:32 o'clock p.m. took recess until 10:30 o'clock a.m. tomorrow.

In Memory of Frank Edd White

Senator Colson by unanimous consent offered the following resolution:

(Senate Resolution 48)

Whereas, The sudden and untimely passing on October 8, 1961 of Frank Edd White of Cleveland, Liberty County, Texas has deprived the State of Texas of one of its most capable leaders and distinguished citizens; and

Whereas, Mr. White was born in Madisonville, Texas on June 5, 1906, the son of William W. and Elizabeth H. White; and

Whereas, He was graduated from Bedias High School, and received his Bachelor of Arts degree from Sam Houston State Teachers College in 1929 and his Master of Arts degree from The University of Texas in 1936; and

Whereas, Mr. White served with devotion and distinction as a member of the Texas State House of Representatives from 1944 to 1946 and as a member of the Board of Regents for the Texas State Teachers Colleges from 1953 to the time of his death, being President of this Board from 1956 to 1959; and

Whereas, He also served as Principal of the schools in Stone and as Superintendent of the public schools of Waller and Groveton before becoming Superintendent of the school system in Cleveland, which position he held from 1953 until the time of his death; and

Whereas, Mr. Frank Edd White was the author of "A History of Waller County, 1821-84"; and

Whereas, He was a member of the local Baptist Church and daily lived the highest objectives of Christianity, expending his wealth of human and worldly resources for the common good; and

Whereas, He also carved for himself an enviable place as a leader in furthering the civic, religious, educational, and industrial growth of his community and area. He filled many important positions with the American and Texas Association of School Administrators; he was listed in "Who's Who in the South and Southwest"; he was a Mason, a 32nd Degree Shriner, a member of the Eastern Star, the Rotary Club, the Cleveland Precinct Highway Committee, the County Board of the American Red Cross, and the Board of the Cleveland Chamber of Commerce; and

Whereas, Mr. White's loyalty and wise and well balanced counsel to his fellow men, the beauty and strength of his private life, his sacrificial service to his State and Country, all combined to create in him a rare example of true American Citizenship at its best and made him an outstanding public servant; now, therefore, be it

Resolved, That the Senate of the Third Called Session of the 57th Legislature of the State of Texas extend our sincere and heartfelt sympathy to his esteemed family, and that we express our appreciation for his invaluable services in his many different ways by directing that a page in the Journal be set aside as a memorial to him and that the Legislature adjourn today in solemn tribute to Frank Edd White who was recognized as one of the State's foremost educators and who was one of those men of whom the Unknown Poet wrote:

"A builder builded a temple,
He wrought it with grace and skill;
Pillars and groins and arches
All fashioned to work his will.
Men said, as they saw its beauty,
'It shall never know decay;
Great is thy skill, O Builder!
Thy fame shall endure for aye.'

A Teacher builded a temple
With loving and infinite care,
Planning each arch with patience
Laying each stone with prayer.
None praised his unceasing efforts,
None knew of his wondrous plan
For the temple the Teacher builded
Was unseen by the eyes of man.

Gone is the Builder's temple,
Crumpled into the dust;
Low lies each stately pillar,
Food for consuming rust.
But the temple the Teacher builded
Will last while the ages roll,
For that beautiful unseen temple
Was a child's immortal soul."

and be it further

Resolved, That official copies of this resolution be sent to his wife, Mrs. Annie Mae Vaught White and his two sons, Gordon Edd White and Frank Howell White, all of Cleveland, Texas; to his mother, Mrs. W. W. White of Huntsville, Texas; to his two brothers, Glenn White of Houston and Gordon White of Dallas, Texas; and to his four sisters, Mrs. Ruby Krumnow and Mrs. H. A. McGowen, both of Huntsville, Texas, Mrs. L. S. Shepard of Conroe, Texas, and Mrs. Winnifred Trant of Baytown, Texas.

The resolution was read and was adopted by a rising vote of the Senate.

In Memory of
Honorable Hunter D. Barrow

Senator Spears by unanimous consent offered the following resolution:

(Senate Resolution 51)

Whereas, In the passing of Judge Hunter D. Barrow on the 16th day of January, 1962, as a result of injuries sustained in an automobile accident occurring on the 22nd day of December, 1961, which took also the life of his wife, the State of Texas lost an outstanding and dedicated citizen, with a long life devoted to the service of his State and local communities, to the legal fraternity, to his family, and to his Church; and

Whereas, Judge Barrow was born March 10, 1898, in the farming community of Oak Island, in the southern part of Bexar County, and reared on a farm in Atascosa County, Texas, graduating in the first graduating class of Poteet High School in 1915; and

Whereas, Judge Barrow enlisted as a private in the Field Artillery of the renowned 36th Division in 1917, serving his country with distinction until the end of World War I; and

Whereas, Judge Barrow married Miss Ozell Crouch in 1919, and, having studied law at night while running his own grocery in Poteet, Texas, was admitted to the State Bar of Texas, and commenced the practice of law in Jourdanon, Atascosa County; and

Whereas, Judge Barrow was elected Judge of the 81st Judicial District of Texas, which district consists of Atascosa, Karnes, Wilson, Frio, and LaSalle Counties; and

Whereas, Judge Barrow was appointed in 1957 Associate Justice of the Court of Civil Appeals for the Fourth Supreme Judicial District of Texas, and gained the admiration and respect of his fellow citizens by the diligence and ability he exercised in that office; and

Whereas, Judge Barrow was an active member of the Laurel Heights Methodist Church of San Antonio, Texas, where he served as a Steward and President of the Men's Bible Class, an active Mason, and a regular participant in the activities of American Legion Post No. 10, and the San Antonio Lions Club; and

Whereas, Judge Barrow is survived by a son, Judge Charles W. Barrow, and a daughter, Mrs. Joe Devlin, both of San Antonio, Texas; two brothers, Reverend O. G. Barrow, of San Antonio, Texas, and E. L. Barrow, of Taft, Texas; a sister, Mrs. Tom Franklin, of Poteet; and six grandchildren; and

Whereas, Judge Barrow was in every way a fine and public-spirited citizen, a skillful and dedicated servant of the law and of the people, and a firm and steadfast friend, whose character and accomplishments will be ever remembered by all Texans; now, therefore, be it

Resolved, by the Senate of the State of Texas, That the passing of this outstanding citizen be fittingly recognized by his fellow citizens of the State of Texas and the Senate of Texas desires to express its deepest sympathies to his family and to pay tribute to this fine man and able jurist; and be it further

Resolved, That copies of this resolution be sent to his family; the Clerk of the Court of Civil Appeals of the 4th Supreme Judicial District of Texas; the District Judges of Bexar County, Texas; the San Antonio Bar Association; and the Atascosa County Bar Association; and that a page of the Journal of the Senate be set aside for a copy of this resolution; and be it further

Resolved, That when the Senate adjourns this day it does so in profound respect and memory to Judge Hunter D. Barrow.

The resolution was read and was adopted by a rising vote of the Senate.